

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEBRA A. McKINNEY,

Defendant.

CR 14-11-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 15, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

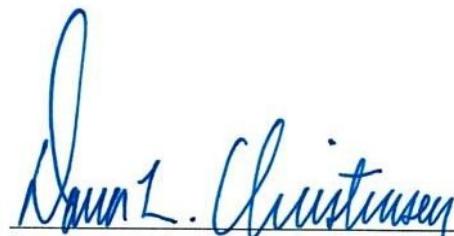
Judge Lynch recommended this Court accept Debra A. McKinney’s guilty

plea after McKinney appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered her plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 as set forth in Count 15 of the Indictment filed against her. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 1-14, and Counts 16-36.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 19), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that the Motion to Change Plea (Doc. 12) is GRANTED and Debra A. McKinney is adjudged guilty of Count 15 as charged in the Indictment.

DATED this 2nd day of June, 2014.

A handwritten signature in blue ink, appearing to read "Dana L. Christensen".

Dana L. Christensen, Chief District Judge
United States District Court